IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 13TH OCTOBER 2006 / 21ST ASWINA 1928

Bail Appl..No. 6117 of 2006()

C.R.No.10/2006 of TALIPARAMBA EXCISE RANGE

PETITIONER/ACCUSED:

KANAMADATHIL GOVINDAN,
S/O. KUNHAMBU, KANAMADATHIL HOUSE,
KOOVERI P.O., KANNUR DISTRICT.

BY ADV. SRI.B.PREMNATH (E)

RESPONDENTS: COMPLAINANT:

STATE, REPRESENTED BY THE EXCISE
INSPECTOR, TALIPARAMBA EXCISE RANGE,
KANNUR DISTRICT, (REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.)

BY PUBLIC PROSECUTOR, SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 6117 of 2006

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Dated this the 13th day of October, 2006

O R D E R

The petitioner is before this Court for bail, as he was arrested on 03/10/2006, with 30 packets of arrack, each packet containing 100 ml. He is in judicial custody, for the offence punishable under Section 55(a) of the Abkari Act, in C.R.No.10/2006 of Excise Range, Taliparamba.

2. When the application came up for hearing, the learned Public Prosecutor submitted that the petitioner is also accused in two other cases, of the same excise range. In such circumstances, the petitioner is not entitled for bail because of the operation of Section 41A of the Abkari Act.

3. The learned counsel for the petitioner brought to my notice that the minor son, aged about 3 years, of the petitioner is having congenital heart disease. Therefore, on 01/10/2005, the child was admitted to a hospital and underwent a surgery of pericardial patch closure of VSD, direct closure of

two small muscular VSD on 06/10/2005. The petitioner was advised to continue medication for the child. The counsel in the circumstances submits that there are post operative complications of the child, and if the petitioner is incarcerated for long, it may affect the life of the child as well as the family.

4. Taking a sympathetic view in the facts stated above, I grant bail and release the petitioner from jail, imposing the following conditions:-

i. The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties each for the like sum, to the satisfaction of the Judicial Magistrate of the First Class, Taliparamba.

ii. The petitioner shall report before the Investigating Officer, once in a week, on every Wednesday, between 10 a.m and 11 a.m, for a period of three months, starting from 18/10/2006 and thereafter, on the first working day of every month, between the same timings, till the final report is filed before the court

below.

iii. If the petitioner is indulging in any activities violating the provisions of the Abkari act, the authorities are free to bring the same to the notice of the learned Magistrate, who shall immediately take action against the petitioner, without waiting for further directions from this Court, in this case.

(J.M.JAMES)
Judge

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